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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/598,163

05/05/2008

Stefan Geoffrey Butlin

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EXAMINER

SMITH, BENJAMIN J

ART UNIT

PAPER NUMBER

2176

NOTIFICATION DATE

DELIVERY MODE

04/01/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/598,163 | Applicant(s) BUTLIN ET AL. | |
| | Examiner Benjamin J. Smith | Art Unit 2176 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/2008, 2/2/2011</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This non-final office action is in response to the Application filed on 8/18/2006, with a priority date of 2/21/2005 from PCT/GB2005/000627 and 2/19/2004 from UK App. No. 04037093.9.

Claims 1-12 are presented for examination. Claims 1 and 8 are independent claims.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "210a", "210b", "445a,"

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 11-12 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim 3 objected to because of the following informalities:

The claim recites “*wherein **the an actor attribute***”, which appears to be a typo.

Appropriate correction is required.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recited “*updating of an attribute causes a user interface element to move within the user interface*” of Claim 5.

The Specification does not mention the recited “*updating of an attribute causes a user interface element to move within the user interface*”. The specification only discusses “moves an active cell”, “focus is moved up and down the grid” and “cause the focus to move to the target element”. Thus, there is no support or antecedent basis for the recited moving a user interface element, that allows the meaning of the term to be ascertained, as required in 37 CFR 1.75(d)(1).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7:

In summary, Claim 7 recites a “*data carrier*” comprising a “*code*” for performing various functions. The Specification fails to expressly limit the recited “*data carrier*” to statutory subject matter. Thus, the recited “*data carrier*” is not a process, a machine, a manufacture or a composition of matter.

Accordingly, Claim 7 fails to recite statutory subject matter as defined in 35 U.S.C. 101.

Examiners Interpretation of Claims 8-12:

For purposes of USC 101, the examiner has regarded the “user interface” as necessarily including hardware. That is to say the “user interface” is interpreted as being hardware only or having hardware parts and not merely being software only, because a user interface must have hardware for a user to interact with it.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 6-12 rejected under 35 U.S.C. 102(e) as being anticipated by Yuval Gilboa US Pat. No. 7,412,658 (“Gilboa”).

Claim 1:

Gilboa Discloses: *A method of rendering a user interface for a device* [abstract and summary], *the method comprising the steps of*

providing a plurality of actors, each of the plurality of actors being associated with a user interface element and comprising one or more attributes defining the respective actor [col. 12, lines 1-5; Fig. 4] [actor with properties];

providing a renderer to receive one or more attributes from one or more of the plurality of actors [col. 6, line 54 - col. 7, lines 11] [front end system designs and renders output]; *and*

rendering the user interface in accordance with the received attributes [col. 6, line 54 - col. 7, lines 11] [front end system].

Claim 6:

Gilboa Discloses: *A method according to any preceding claim wherein the actor attributes comprise mark-up language and the renderer is a mark-up language renderer* [col. 9, lines 29-39] [GML is an XML based language, which would make it a markup language].

Claim 7:

Gilboa Discloses: *A data carrier comprising computer executable code for performing the method of any of claims 1 to 6* [col. 7, lines 1-11] [front end system].

Claim 8:

Gilboa Discloses: *A device comprising*
a user interface, the user interface comprising one or more user interface elements [abstract and summary];
a plurality of actors, each of the plurality of actors being associated with a user interface element and comprising one or more attributes [col. 12, lines 1-5; Fig. 4] [actor with properties]; *and*
a renderer, the renderer being configured, in use, to interpret the attributes associated with one or more of the plurality of actors and to render the user interface accordingly [col. 6, line 54 - col. 7, lines 11] [front end system designs and renders output].

Claim 9:

Gilboa Discloses: *A device according to claim 8, wherein the device further comprises display means for displaying the user interface* [col. 6, line 54 - col. 7, lines 11] [front end system].

Claim 10:

Gilboa Discloses: *A device according to claim 8 or claim 9, wherein the device further comprises a communications interface for receiving further actors for use in the rendering of the user interface* [col. 6, line 54 - col. 7, lines 11] [front end system].

Claim 11:

Improper Dependent Claim

Gilboa Discloses: *A device according to any of claims 8 to 10, wherein the device further comprises storage means configured to store the plurality of actors* [col. 6, line 54 - col. 7, lines 11] [front end system].

Claim 12:

Improper Dependent Claim

Gilboa Discloses: *A device according to any of claims 8 to 11, wherein the device further comprises processing means configured to operate the renderer* [col. 6, line 54 - col. 7, lines 11] [front end system].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Gilboa as applied to claim 1 above, and further in view of Schillings et al. US Pat Publication No. 2005/0021935 with priority to 6/18/2003 from provisional.

Claim 2:

Gilboa Discloses updated views [col. 8, lines 40-50] and updating the model design [col. 9, lines 22-28].

Gilboa fails to Disclose:

A method according to claim 1, wherein if an actor attribute is updated, the update is received by the renderer and the user interface is updated accordingly.

Schillings Discloses:

A method according to claim 1, wherein if an actor attribute is updated, the update is received by the renderer and the user interface is updated accordingly [¶ 0019] [refresh attribute].

Art Unit: 2176

Claim 3:

Schillings Discloses: *A method according to claim 2, wherein the an actor attribute is updated in response to a user update [¶ 0069] [user interface elements or widgets].*

Claim 4:

Schillings Discloses: *A method according to claim 2, wherein the updating of an attribute causes the formatting of a user interface element to change [¶ 0034] [look and feel and color are formatting attributes].*

Claim 5:

Schillings Discloses: *A method according to claim 2, wherein the updating of an attribute causes a user interface element to move within the user interface [¶ 0072] [animation].*

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please See PTO-892: Notice of References Cited.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Benjamin J. Smith** whose telephone number is **(571) 270-3825**. The examiner can normally be reached on Monday through Friday 8:30AM-5:00PM EST..

Art Unit: 2176

If attempts to reach the examiner by telephone are unsuccessful, the examiner's **supervisor, Doug Hutton** can be reached on **(571) 272-4137**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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